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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,491	08/15/2000	Michael Feldman	N298.12-0001	1274

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

<b>Office Action Summary</b>	<b>Application No.</b> 09/638,491	<b>Applicant(s)</b> FELDMAN, MICHAEL	
	<b>Examiner</b> Todd Ingberg	<b>Art Unit</b> 2124	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/31/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
     4a) Of the above claim(s) 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/18/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1 – 25 have been examined.

Claims 26 and 27 have been canceled after Restriction practice.

#### ***Drawings***

1. New corrected drawings are required in this application because the shading is too dark and Figure 2 has handwriting on it to label it as Prior Art. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. Application 60/149,507 has been examined.

#### ***Information Disclosure Statement***

3. The Information Disclosure Statement (IDS) filed November 18, 2002 has been considered.

#### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 4 - 6, 7, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what the true meaning of "*complimentary*" means in the claim language. Clarification requested.

The flowing is the rejection for claim 5. Applicant has claimed an instance of an object which does not communicate. Since, no useful function is claimed this claim has not patentable weight.

**Claim 5**

The architecture of claim 1, wherein at least one component instance is self sufficient and functions without interacting with other component instances.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 -25 are rejected under 35 U.S.C. 102(b) as being anticipated by Template Software Inc.

The **Template** product line contains:

The SNAP programming language (One manual used)

The Workflow Template (Two manuals used)

The Web Component ( Not used in this Office Action)

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These three layered products work together.

The documentation sets for the products contains the following manuals.

**SNAP** released June 1997

SNAP Language Reference ( Not used in this Office Action)

Using the SNAP Language ( Not used in this Office Action)

Using the SNAP Communication Component (Referred to as **COM** )

Using the SNAP Graphic User Interface Component ( Not used in this Office Action)

Getting Started with SNAP ( Not used in this Office Action)

Using the SNAP Display Editors ( Not used in this Office Action)

SNAP Class Library Reference ( Not used in this Office Action)

Using the SNAP External Application Software Component ( Not used in this Office Action)

Using the SNAP Development Environment ( Not used in this Office Action)

SNAP Module Library Reference ( Not used in this Office Action)

Using the SNAP Permanent Storage Component ( Not used in this Office Action)

**Workflow** released September 1997

Developing a WFT Workflow System (Referred to as **WFT** )

Using the WFT Development Environment (Referred to as **Using**)

WFT Library Reference ( Not used in this Office Action)

**Web Component**

Using the Web Component ( Not used in this Office Action)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering. Furthermore, with the 1997 press

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release announcing version 8.0 these considered prior art under *In re Epstein* 31 USPQ2d 1817

(decided August 17, 1994) with a 1997 release date despite the 1998 copyright date.

### Claim 1

**Template** anticipates an architecture for developing a distributed information system (Template , Workflow System as described in the manuals made of record, **Using** , Chapter 3, Overview), the architecture comprising: a service definition tool for generating service protocols as a service definition (**Using**, Workflow Design Editor, Chapter 3 and Task Editor, Chapter 6 ), each service protocol including a plurality of messages ( **Using**, Object Oriented Implementation – messaging is inherent in object technology, page 4-41, functions); the messages including incoming messages and outgoing messages(**WFT**, messaging from objects to object both local on the same machine or on the net – Note one of ordinary skill in the art knows messages are the result of using methods – called functions in Template manual, page 7-23), each message carrying a plurality of data fields ( one of ordinary skill in the art no only understands messages in object technology inherently can have no attributes( **Using**, data fields, 4-41, parameters) but also recognize this limitation would force more overhead on the system and even thou supported by object technology the requirement that each message must carry a plurality of data fields is not a wise limitation); a component development tool for generating a first and a second plurality of components that implement and consume services ( **Using**, functions, page 4-41) , each component in the first plurality of components representing a physical entity in the distributed information system (**Using**, Applications, Chapter 7 and 7-3, figure 7-1), each component in the second plurality of components representing a logical entity in the distributed information system(**Using**, Roles with Applications, Chapter 7 and 7-3, figure 7-1 ); a system development tool for generating a plurality of component instances based on the first and the second plurality of components (**Using** , instantiation of objects from the classes linked by inheritance, page 4-20); and an engine software program (**Using** , workflow – server, page 3-5 and **WFT**, page 7-16, C7 ) for running on each of a plurality of networked nodes ( **WFT**, page 7-1 to 7-7), the engine software program providing a programmable run time environment for hosting the plurality of component instances and supporting communication between component instances (**COM** , communications support, page 4-8).

### Claim 2

The architecture of claim 1, wherein the services are defined by the service protocols ( **Using**, Task editor – as per claim 1) , and wherein the component development tool allows implementations of the services in the first and the second plurality of components, the implementations of the services exposed as service provider ports and service consumer ports ( **Using**, flows page 3-19 to 3-20 between Applications (ROLES) as per claim 1 the different Roles perform the different Tasks on the work item – as per claim 1).

### Claim 3

The architecture of claim 2, wherein service provider ports and service consumer ports based on the same service protocol are complimentary. (**Using** , tasks to perform tasks on work flow item

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are contained on consumer node – as per claim 1 see Chapter 6 for Task Editor and chapter 7 for the Application Editor)

**Claim 4**

The architecture of claim 3, wherein the system development tool allows communication links to be defined between service provider ports and complimentary service consumer ports. (WFT , flows 3-25 to 3-34 between nodes, pages 4-13 to 4-19)

**Claim 5**

The architecture of claim 1, wherein at least one component instance is self sufficient and functions without interacting with other component instances.

No functional value is claimed

In object technology, an object can be written not to perform messaging with other objects. This does not add value to the invention. This claim is given no patentable weight.

**Claim 6**

The architecture of claim 4, wherein a component instance includes at least one service provider port that allows multiple simultaneous communication links with complimentary service consumer ports. (WFT , ability for a node to communicate with multiple nodes, page 7-23 Peer to Peer).

**Claim 7**

The architecture of claim 4, wherein component instances are executed concurrently (Using , executing the methods of an object concurrently, page 4-41) , and wherein the communications between service provider ports and complimentary service consumer ports are asynchronous (COM, where communications over net is asynchronous, pages 4-13 and page 11-4 and Appendix B – connection oriented) .

**Claim 8**

The architecture of claim 4, wherein the communication links include one-to-one links, one-to-many links ( COM, client – server, 1-1, or 1 – M page 2-4) and many-to-many (COM, peer to peer page 2-3) links, regardless of ports involved.

**Claim 9**

The architecture of claim 1, wherein the system development tool allows each component instance to be configured (WFT , function allows configuring the components, functions as per claim 1 and RULES as per WFT, page 4-25).

**Claim 10**

The architecture of claim 1, wherein the system development tool represents the distributed information system as a single entity (Using , a workflow item, page 3-18) , regardless of physical node and network composition into which the component instances will be deployed ( workflow item as above).



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**Claim 11**

The architecture of claim 10, wherein the system development tool deploys each component instance to one of the plurality of networked nodes (**Using**, deployment editor, Chapter 8) .

**Claim 12**

The architecture of claim 11, and further comprising a local repository on each of the plurality of nodes, the local repository on each node storing data representing the component instances deployed to and hosted by that node and storing communication link data for the component instances deployed to and hosted by that node. ( **Using**, deployment with links and associated .cd files, page 2-43).

**Claim 13**

The architecture of claim 11, wherein the system development tool allows changes to be made to the component instances deployed to and hosted by the plurality of networked nodes and allows changes to be made to communication links between the component instances deployed to and hosted by the plurality of networked nodes (**Using** , deployment editor, Chapter 8).

**Claim 14**

The architecture of claim 13, wherein the system development tool allows deletion of the component instances deployed to and hosted by the plurality of networked nodes and allows deletion of communication links between the component instances deployed to and hosted by the plurality of networked nodes. ( **Using**, deployment editor, Chapter 8)

**Claim 15**

The architecture of claim 1, and further comprising a central system repository for storing the components, the component instances, link data, infrastructure configuration and configuration data for the service protocols. ( Node with WFT on it for deployment as per claim 13 above).

**Claim 16**

The architecture of claim 1, wherein at least one of the component instances supports continuous activities internally. ( As per claim 7 – objects ability to process messages).

**Claim 17**

The architecture of claim 1, wherein each of the component instances is configurable to participate in activities that are collectively performed by a plurality of component instances (**Using** , WFT, Applications in Work Flow System, pages 7-3 , Figure 7-1).

**Claim 18**

The architecture of claim 4, wherein the only run-time dependencies between component instances that communicate with each- other are logical dependencies implemented using the component development tool ( **Using**, flows between Applications, as per claim 4, pages 3-25 to 3-34) .

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**Claim 19**

**Template** anticipates a distributed information system ( Workflow system as documented in the manuals of record) comprising: a plurality of component instances (**Using**, objects in the object oriented implementation, page 3-5) connected by links (**Using**, multiple interpretations exist, 1. messaging in object technology or 2. flows in workflow – both visible page 3-5 – Figure 3-1); and a plurality of networked nodes ( **Using**, Deployment Editor, chapter 8 ) running an engine software program (Workflow Server as per claim 1), the engine software program providing a programmable run-time environment ( Functions as per claim 1 ) : for hosting the plurality of component instances and supporting communication between component instances (**COM**, communications support as per claim 1).

**Claim 20**

The distributed information system of claim 19, wherein the run-time environment acts as a container for the component instances, and wherein the run time environment provides API implementations to the component instances. (**Using**, SIB connection, claim 8)

**Claim 21**

The distributed information system of claim 19, and further comprising a local repository on each of the plurality of nodes, the local repository on each node storing component instances deployed to and hosted by that node and storing communication link data for component instances deployed to and hosted by that node. ( Applications and ability to communicate between the nodes with messages following flows as per claim 19).

**Claim 22**

The distributed information system of claim 21, wherein the local repository notifies component instances and links of configuration data changes. ( Both Flows of claim 19 and actual deployment in Deployment editor for establishing links between the nodes as per claim 19) .

**Claim 23**

The distributed information system of claim 20, wherein the run-time environment dynamically manages ports and links for the component instances and includes communication implementation for delivering messages between connected complimentary component. instance ports. (**COM**, page 4-8 ability to handle messaging and object transmission – as per claim 19).

**Claim 24**

The distributed information system of claim 19, wherein the engine software program supports communication with a system development tool that can be used to create, destroy and modify component instances and links. (**COM**, inherent ability to instantiate, change( with getters and setters) or destroy objects in object technology page 4-20 , 4-29 to 4-31).

**Claim 25**

The distributed information system of claim 21, wherein the programmable run-time environment dynamically changes according to configuration data stored in the local repository. (**COM**, getters and setter as per claim 24 , the ability to have the *real world model* affect the outcome by the data it generates – also visible in Simulator, WFT, Chapter 8).

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***Correspondence Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

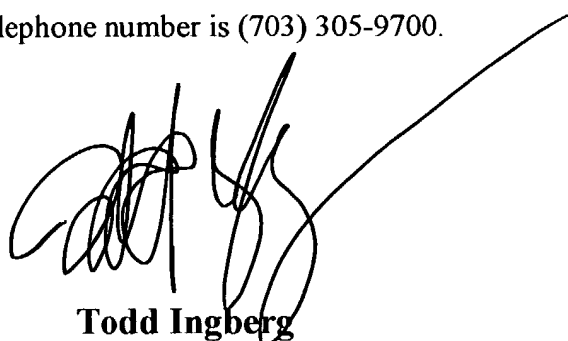
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is (703) 872-9306.

Also, be advised the United States Patent Office **new address** is

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
June 3, 2004